

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

IN RE:)	
)	
Toni L. Lusk,)	Case No. 17-10437-M
)	Chapter 7
DEBTOR.)	

**MOTION FOR RELIEF FROM AUTOMATIC STAY,
MOTION FOR ORDER OF ABANDONMENT AND
NOTICE OF OPPORTUNITY FOR HEARING**

GMAC Inc. n/k/a Ally Financial, Inc. (ALLY), Creditor, moves this Court to grant relief from the automatic stay and to authorize abandonment of property of the estate pursuant to 11 U.S.C. Sections 362 and 554. In support of this Motion, Creditor would show the Court as follows:

1. That ALLY is the holder of a duly perfected security interest in the following described vehicle as shown by copy of the Oklahoma Lien Entry Form which has been duly filed with the appropriate state agency and attached hereto:

2015 Chevrolet Silverado – VIN# 3GCPCREC7FG519872

2. ALLY would state that as of the date of filing this Motion, the unpaid balance due upon said vehicle is the sum of approximately \$44,614.93, and that the contract is currently due for the October 22, 2016 payment. That the Debtor and Robert Lusk are in default by reason of failure of to pay the said monthly payments due upon said vehicle and as such said vehicle continues to depreciate without compensation to ALLY. For the foregoing reasons, there is sufficient cause to modify the automatic stay under 11 U.S.C. §362(d)(1).

3. Although no formal appraisal of said vehicle has been made, the Movant alleges that there is insufficient equity in said vehicle for the estate of the Debtor. That said vehicle is a burdensome asset of the estate and should be abandoned. That it would be appropriate for the Court to enter an Order Lifting the Automatic Stay provided by 11 U.S.C. Section 362(d) and further that the property be abandoned pursuant to 11 U.S.C. Section 554.

4. Movant further alleges that said vehicle above mentioned is currently not being used or will not be needed for the purpose of carrying on the business of the Debtors or to effectuate a Plan which may be purposed in this proceeding.

5. That ALLY has been stayed from enforcing its rights under said security agreement since the filing of this case on March 17, 2017. That said vehicle is continuing to depreciate without compensation to ALLY and by reason thereof, ALLY is entitled to adequate protection which can only be provided by an Order Lifting the Automatic Stay imposed upon ALLY and thereby permitting it to obtain possession of its collateral for the purpose of foreclosure of its security interests.

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Northern District of Oklahoma, 224 South Boulder, Tulsa, Oklahoma, 74103, no later than fourteen (14) days from the date of filing of this request for relief. You should also mail a file-stamped copy of your response or objection to the undersigned Movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. The 14-day period includes the three (3) days allowed for mailing provided for in Rule 9006(f) Fed. R. Bankr. P.

WHEREFORE, ALLY prays the Court enter an Order lifting the Automatic Stay imposed by the filing of this proceeding to permit Movant to foreclose its security interest therein as provided by law, and an Order of Abandonment by the Trustee and that ALLY may have such other and further relief to which it may be entitled.

KIVELL, RAYMENT and FRANCIS, P.C.

s/ Michael J. George
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ATTORNEYS FOR CREDITOR

CERTIFICATE OF MAILING/ELECTRONIC TRANSMISSION

I hereby certify that on April 27, 2017, pursuant to Local Rule 4001-1(C) and Bankruptcy Rule 6007(a), I electronically mailed and mailed via U.S. Mail, first class, postage prepaid and properly addressed, a true and correct copy of the above foregoing Motion for Relief from Automatic Stay, Motion for Order of Abandonment and Notice of Opportunity for Hearing with attached exhibits and notice of electronic filing, to all parties having an interest in the property affected by the Motion and all parties listed on the matrix attached thereto, including the United States Trustee, all creditors, indenture trustees and committees elected pursuant to Section 705 or appointed pursuant to Section 1102 of the Code.

Robert Lusk
4815 S. 433rd West Avenue
Jennings, OK 74038-2580

s/ Michael J. George
Michael J. George, OBA #22570